

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Viva Healthcare Packaging Ltd., Viva
Healthcare Packaging (HK) Ltd., and Viva
Healthcare Packaging (USA) Inc.,

Plaintiffs,

v.

CTL Packaging USA, Inc. and Tuboplast
Hispania,

Defendants.

3:13-cv-569-MOC-DSC

CTL Packaging USA, Inc.,

Counterclaim Plaintiff,

v.

Viva Healthcare Packaging Ltd., Viva
Healthcare Packaging (HK) Ltd., and Viva
Healthcare Packaging (USA) Inc.,

Counterclaim Defendants.

ORDER ON PRETRIAL SCHEDULE

NOW COMES this Honorable Court upon the above-captioned parties' Joint Motion For Order On Pretrial Schedule and having conferred with the chambers of the Honorable Max O. Cogburn, Jr., the Motion is **GRANTED**.

In accordance with the Local Civil Rules of the Western District of North Carolina and pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court enters the following Joint Pretrial Schedule in this matter:

DEADLINES

Party bearing burden of proof to provide
proposed jury instructions and statement of
issues as to issues for which that party bears
burden of proof

August 15, 2016

Mutual exchange of witness lists

August 15, 2016

Meet-and-confer regarding motions in <i>limine</i> to seek agreement on some motions	August 18, 2016
File motions in <i>limine</i> , with each memorandum of law in support of a motion not to exceed ten pages	August 22, 2016
File joint statement of agreed-to motions in <i>limine</i>	August 22, 2016
Mutual exchange of exhibit lists and deposition testimony designations	August 22, 2016
Exchange waivers of claims or defenses that have been abandoned by any party	August 22, 2016
Exchange statement of special damages	August 22, 2016
Final pre-trial conference set by the Court	August 22, 2016
Party not bearing burden of proof to provide responses to jury instructions and statement of issues	August 25, 2016
Parties to exchange proposed verdict forms, stipulations of fact, and questions for voir dire	August 25, 2016
Parties to meet and confer to discuss 1) statement of issues; 2) stipulations of fact; 3) proposed jury instructions; 4) questions for voir dire; and 5) verdict forms	August 29, 2016
Mutual exchange of 1) objections to exhibit lists and 2) objections to designated deposition testimony and counter designations	September 2, 2016
Subpoena all witnesses	September 2, 2016
Discuss possibility of settlement	September 2, 2016
Exchange numbered copies of exhibits and exhibit lists	September 2, 2016
Agree upon and file stipulations of fact	September 2, 2016

Agree upon and file issues of fact and law that remain to be litigated. If counsel cannot agree upon the issues, each party is directed to write its own version and file it with the Court.

September 2, 2016

File proposed jury instructions—each instruction to be numbered and on a separate page with supporting citation(s) as a footnote

September 2, 2016

File requested questions for voir dire

September 2, 2016

File verdict forms

September 2, 2016

File oppositions to motions in *limine*, with each opposition brief not to exceed ten pages

September 5, 2016

Mutual exchange of objections to deposition testimony counter-designations

September 6, 2016

Parties to meet and confer regarding stipulations of authenticity of as many proposed exhibits as possible and also as to foundation, waiver of the best evidence rule, and to those exhibits which may be received into evidence at start of trial

September 7, 2016

File deposition testimony to be offered as evidence at trial, objections thereto, counter-designations, and objections thereto

September 9, 2016

File and serve exhibit list with objections

September 9, 2016

File and serve witness list

September 9, 2016

File trial brief addressing all questions of law and anticipated evidentiary issues

September 9, 2016

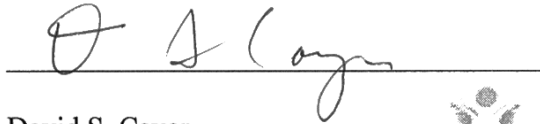
Inspection of all physical exhibits each party intends to use at trial

September 16, 2016

Exchange, by email, copies of demonstratives and list of exhibits to be used in opening	September 18, 2016
Exchange, by email, objections to demonstratives to be used in opening	September 18, 2016
File stipulations regarding authenticity of as many proposed exhibits as possible and also as to foundation, waiver of the best evidence rule, and to those exhibits which may be received into evidence at start of trial	September 19, 2016
File list of expert qualifications unless expertise stipulated to by parties	September 19, 2016
Trial Ready Date	September 19, 2016
Parties to provide, by email, names of witnesses and order of presentation of the witnesses	10:00 pm two nights before witness expected to testify
Parties to disclose, by email, lists of exhibits to be used with each witness; and any changes to names of witnesses, and to order of presentation of the witnesses	7:00 pm the day before witness expected to testify
Exchange, by email, copies of demonstrative exhibits other than for opening and closing	7:00 pm the day prior to expected use
Exchange, by email, objections to demonstrative exhibits other than for opening and closing	10:00 pm on the day received (the day prior to expected use)
Exchange, by email, copies of demonstratives to be used in closing	8:00 pm the day prior to closing arguments, with timing to be adjusted as necessary depending on timing of the closing
Exchange, by email, objections to demonstratives to be used in closing	11:00 pm on the day received (the day prior to closing arguments), with timing to be adjusted as necessary depending on timing of the closing

SO ORDERED.

Signed: August 11, 2016

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

